

The following Listing of Claims will replace all prior versions, and listings, of claims in the application.

**LISTING OF CLAIMS:**

1. (Currently Amended) A solid electrolyte type fuel cell ~~comprising~~ with a heat recovery path ~~(11)~~ that recovers heat loss from a cell module around said cell module including a cell stack ~~(1)~~ that generates electricity from a fuel gas and an oxygen-containing gas, and a burning section that contacts and burns remaining fuel gas and oxygen-containing gas from said cell stack ~~(1)~~, said solid electrolyte type fuel cell comprising:

a branch flow rate regulating ~~means (12)~~ part that branches supplied fluid to said cell stack ~~(1)~~, said supplied fluid being one of a fuel gas and an oxygen-containing gas, and regulates a flow rate of said supplied fluid to be branched; and

a branch flow path that supplies said supplied fluid having been branched and whose flow rate has been regulated to said heat recovery path ~~(11)~~.

2. (Currently Amended) The solid electrolyte type fuel cell according to claim 1, wherein

said branch flow rate regulating ~~means (12)~~ part increases a ratio of said flow rate of said supplied fluid to be branched to the overall flow rate, in response to partial-load operation or standby operation being conducted by said solid electrolyte type fuel cell.

3. (Currently Amended) The solid electrolyte type fuel cell according to claim 1 ~~or 2~~, wherein

said heat recovery path ~~(11)~~ is formed across a plurality of layers with reference to said cell module ~~(1)~~.

4. (Currently Amended) The solid electrolyte type fuel cell according to ~~any one of claims~~ claim 1 ~~to 3~~, wherein

said heat recovery path ~~(11)~~ further surrounds a heat exchanger ~~(10)~~ that exchanges heat with burned waste gas.

5. (Currently Amended) The solid electrolyte type fuel cell according to ~~any one of claims~~ claim 1 to 3, wherein

said cell module further houses a heat exchanger ~~(10)~~ that exchanges heat with burned waste gas.

6. (Currently Amended) The solid electrolyte type fuel cell according to ~~any one of claims~~ claim 1 to 5, wherein

said heat recovery path ~~(11)~~ further surrounds a vaporizer ~~(7)~~ that vaporizes said fuel gas added with water.

7. (Currently Amended) The solid electrolyte type fuel cell according to ~~any one of claims~~ claim 1 to 5, wherein

said cell module further houses a vaporizer ~~(7)~~ that vaporizes said fuel gas added with water.

8. (Currently Amended) A solid electrolyte type fuel cell ~~comprising~~ with a heat recovery path ~~(11)~~ that recovers heat loss from a cell module around said cell module including a cell stack ~~(1)~~ that generates electricity from a fuel gas and an oxygen-containing gas, and a burning section that contacts and burns remaining fuel gas and oxygen-containing gas from said cell stack ~~(1)~~, said solid electrolyte type fuel cell comprising:

a first flow path that leads the oxygen-containing gas to said cell stack ~~(1)~~; and  
a second flow path that leads the oxygen-containing gas to said heat recovery path ~~(11)~~.

9. (New) The solid electrolyte type fuel cell according to claim 2, wherein said heat recovery path is formed across a plurality of layers with reference to said cell module.

10. (New) The solid electrolyte type fuel cell according to claim 2, wherein said heat recovery path further surrounds a heat exchanger that exchanges heat with burned waste gas.

11. (New) The solid electrolyte type fuel cell according to claim 2, wherein said cell module further houses a heat exchanger that exchanges heat with burned waste gas.

12. (New) The solid electrolyte type fuel cell according to claim 2, wherein said heat recovery path further surrounds a vaporizer that vaporizes said fuel gas added with water.

13. (New) The solid electrolyte type fuel cell according to claim 2, wherein said cell module further houses a vaporizer that vaporizes said fuel gas added with water.

14. (New) The solid electrolyte type fuel cell according to claim 3, wherein said heat recovery path further surrounds a heat exchanger that exchanges heat with burned waste gas.

15. (New) The solid electrolyte type fuel cell according to claim 3, wherein said cell module further houses a heat exchanger that exchanges heat with burned waste gas.

16. (New) The solid electrolyte type fuel cell according to claim 3, wherein said heat recovery path further surrounds a vaporizer that vaporizes said fuel gas added with water.

17. (New) The solid electrolyte type fuel cell according to claim 3, wherein said cell module further houses a vaporizer that vaporizes said fuel gas added with water.

18. (New) The solid electrolyte type fuel cell according to claim 4, wherein said heat recovery path further surrounds a vaporizer that vaporizes said fuel gas added with water.

19. (New) The solid electrolyte type fuel cell according to claim 4, wherein said cell module further houses a vaporizer that vaporizes said fuel gas added with water.